The rejections presented in the Office Action dated November 26, 2008, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claims 16-18 and 22, the claims have each been amended to characterize the claimed medium as a storage medium. Support for these changes may be found, for example, in paragraph [0015] of the Specification. While computer readable media are believed to be statutory subject matter consistent with MPEP § 2106.01, the further changes to the claims prevent an interpretation of the storage media as including transient subject matter such as a carrier wave or signal. Thus, the claims are believed to be directed to statutory subject matter, and Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully traverses each of the § 103(a) rejections which are based at least primarily upon the teachings of U.S. Publication No. 2003/0023759 by Littleton *et al.* (hereinafter "Littleton") because Littleton alone, or as modified, fails to teach or suggest each of the claimed limitations. While the Office Action acknowledges that Littleton fails to teach a separate, second synchronization step for binding data as claimed, the assertion that a separated transfer would be obvious is unsupported and incorrect. First, no evidence has been proffered in support of the allegation of obviousness. Second, the assertion mischaracterizes the claimed invention by asserting that binding would be formed "during a second synchronization step because the user data must be transferred first so that there is data to be bound and mapped to a function". The claimed forming of the binding is a step separate from the claimed synchronization steps. Third, no evidence or rationale has been presented that a skilled artisan would perform two separate synchronization steps based on Littleton. In contrast, Littleton emphasizes that the telephone service feature information and the phone numbers are transmitted in a single step and even compressed into a compressed coded string. There is no suggestion toward separating the synchronization of the contact information and the contact in Littleton. Thus, Littleton admittedly fails to teach certain claim limitations and the unsupported assertion of obviousness fails to overcome the

13

deficiencies in Littleton's teachings. Without correspondence to each of the claimed limitations, the rejections are improper, and Applicant accordingly requests that the rejections be withdrawn.

Applicant maintains that Littleton still has not been shown to teach or suggest forming binding between a user data unit of a first device and a function of a second device in the second device, as claimed in each of the independent claims. Littleton teaches synchronizing data records on synchronizing entities. As explained previously, paragraph [0018] merely states that the telephone-provisioning conduit 122 does not interfere with use of existing PIM software, such as Outlook or Palm Desktop, on the PC (asserted as corresponding to the claimed second device). Although the telephone-provisioning conduit 122 may access records from a database on the PDA, there is no suggestion toward arranging binding between the user data unit and at least one function of the second synchronization device (asserted PC) in the second synchronization device, which has received the synchronized user data item and the binding data. Since Littleton fails to teach a second synchronization step as claimed, Littleton also fails to teach forming binding with binding data received during a second synchronization step. Therefore, any binding of records accessed in the asserted first device is not performed in, and does not affect a function of, the asserted second device.

In addition, Littleton fails to disclose that the second synchronization device is a mobile communications device or a synchronization server configured to synchronize the binding data to a mobile communications device to form binding in the mobile communications device in accordance with the binding data. Rather, Littleton teaches that changes made by a PDA are synchronized with a server database (paragraph [0006], first sentence). The server is defined to include web pages (paragraph [0019], second sentence) and a PC is used as an intermediary device in the synchronization process. While cited paragraph [0004] refers to wireless devices such as PDAs, the devices of paragraph [0004] are not asserted as corresponding, and do not correspond, to the claimed second synchronization device. Without correspondence to each of the claimed limitations, the

14

rejections are improper, and Applicant accordingly requests that the rejections be withdrawn.

Although Littleton generally discloses synchronization of telephony service feature data, the teachings of Littleton differ significantly from the claimed invention. Littleton does not enable the transfer of a user's personal environment from one personal device to another (*e.g.*, purchasing a new mobile phone) and to automatically form the related linkages between a user's data units and the functions of the new device based on forming the binding. Rather, Littleton simply enables the copying of amended telephony service features changed by a user on a PDA (via a PC) to a database of a network server including web pages (*see, e.g.*, paragraphs [0019 and [0024]). Thus, Littleton fails to correspond to several of the claimed limitations and thereby fails to support the § 103(a) rejections.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to forming binding in a second synchronization device, which are not taught by either of the cited references. Littleton does not teach forming binding in the asserted PC and no evidence has been presented to suggest otherwise. Since the asserted modification of Littleton is unsupported and Littleton fails to teach at least these limitations, the rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent Claims 2-7 depend from independent Claim 1, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed teachings of Littleton. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their

15

respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-7 are also patentable over the asserted teachings of Littleton.

With particular respect to the rejection of dependent Claim 2, Applicant traverses because Littleton fails to teach or suggest the claim limitations. For example, Littleton fails to suggest any checking of the capabilities of the second synchronization device, *i.e.*, the device to which the binding data is transmitted. The relied-upon "matching applications" in paragraph [0024] refers to a function carried out by the PC (the asserted second synchronization device). There is no teaching or suggestion that the PDA (asserted as corresponding to the first synchronization device) checks the capabilities of the PC. Moreover, there is no suggestion of checking whether the PC supports binding data synchronization. The cited case law is again inapplicable as it refers to physically rearranging the components of a device. Therefore, in an effort to facilitate prosecution, independent Claims 1, 9, 16, and 23 have been amended to include the limitations of original Claim 2. Since these limitations were originally claimed, the changes do not introduce new matter.

With particular respect to Claims 22-26, 28-36, 38-43, and 45, Applicant notes that these claims are not included in any of the statements of rejection. MPEP § 707.07(d) indicates that where a claim is refused the word "reject" must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intended to reject Claims 22-26, 28-36, 38-43, and 45 upon the same basis of the rejection of Claims 1-7, 9, 12, and 16-18, such a rejection would be improper for the reasons discussed above in connection with the failure of the asserted reference, or modification thereof, to correspond to the claimed invention. If this was not the Examiner's intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP § 707.07(d).

With respect to the § 103(a) rejection of dependent Claims 8, 27, 37, and 44 based upon the teachings of Littleton combined with those of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter "Hepper"), Applicant traverses as the asserted references alone, or in combination, do not teach each of the claimed limitations. As discussed above, Littleton fails to at least teach forming binding between a user data unit and a function of a second device in the second device, as claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Therefore, the rejection is improper, and Applicant requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

In addition to the above-discussed claim amendments, each of the independent claims has been amended to indicate that the device receiving the binding data is a mobile communications device or a synchronization server configured to synchronize the binding data to a mobile communications device. Support for these changes may be found in the Specification, for example, at paragraphs [0012], [0019], and [0028]. Further support for the changes to Claims 23 and 32 may be found in paragraph [0015]. Thus, none of the changes to the claims introduces new matter, and each of the claims is believed to be patentable for the reasons set forth above.

17

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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Date: February 26, 2009

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